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2143

PATENT

Attorney Docket No.: AVARS-02200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael A. Lloyd et al.

Serial No.: 09/903,423

Filed: July 10, 2001

For: **SYSTEMS AND METHODS FOR  
ROBUST, REAL-TIME  
MEASUREMENT OF NETWORK  
PERFORMANCE**

) Group Art Unit: 2143  
)  
) Examiner: Nguyen, Phuoc H.  
)  
) **TRANSMITTAL LETTER**  
)  
) 162 N. Wolfe Road  
) Sunnyvale, CA 94086  
) (408) 530-9700  
) Customer No.: 28960  
)

MS: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed please find a Supplemental Information Disclosure Statement, a Certification pursuant to 37 C.F.R. § 1.97(e) for the Supplemental Information Disclosure Statement, and Form PTO-1449, including copies of the references contained thereon, for filing in the U.S. Patent and Trademark Office.

The Commissioner is hereby authorized to charge any additional fee or credit overpayment to our Deposit Account No. 08-1275. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: 11-1-06

By: Thomas B. Haverstock  
Thomas B. Haverstock  
Reg. No.: 32,571

Attorneys for Applicants

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP

Date: 11-1-06

Thomas B. Haverstock



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Michael A. Lloyd et al.	)	Examiner: Nguyen, Phuoc H.
	)	
Serial No.: 09/903,423	)	<b><u>CERTIFICATION FOR</u></b>
	)	<b><u>SUPPLEMENTAL INFORMATION</u></b>
Filed: July 10, 2001	)	<b><u>DISCLOSURE STATEMENT UNDER 37</u></b>
	)	<b><u>CFR § 1.97(e)</u></b>
For: <b>SYSTEMS AND METHODS FOR</b>	)	
<b>ROBUST, REAL-TIME</b>	)	162 N. Wolfe Road
<b>MEASUREMENT OF NETWORK</b>	)	Sunnyvale, CA 94086
<b>PERFORMANCE</b>	)	(408) 530-9700
	)	
	)	Customer No.: 28960

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This certification is being made for the Supplemental Information Disclosure Statement accompanying this certification.

#### Certification

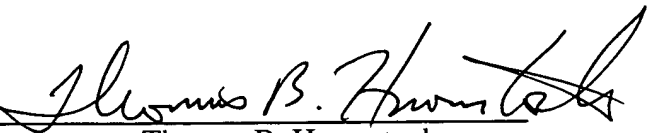
I, the person signing below, hereby certify that the printed publications contained in the enclosed supplemental information disclosure statement were cited within an Official Action mailed on September 5, 2006. **Accordingly, I hereby certify that no reference contained within this supplemental information disclosure statement was cited in a communication from a foreign patent office in a related foreign application, and, to the knowledge of the person signing the statement, after making reasonable inquiry, no reference contained within this supplemental information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this supplemental information disclosure statement. 37 C.F.R. 1.97(e)(2).**

**Identification of Person Making Certification**

The person making this certification is the attorney who signs below on the basis of the information in the attorney's file.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: 11-1-06


By:   
Thomas B. Haverstock  
Reg. No.: 32,571

Attorneys for Applicants

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HAVERSTOCK & OWENS LLP.

Date: 11-1-06 By:  - 2 -



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Attorney Docket No.: AVARS-02200

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	)	<b><u>DISCLOSURE STATEMENT</u></b>
Filed: July 10, 2001	)	
	)	162 N. Wolfe Road
For: <b>SYSTEMS AND METHODS FOR</b>	)	Sunnyvale, CA 94086
<b>ROBUST, REAL-TIME</b>	)	(408) 530-9700
<b>MEASUREMENT OF NETWORK</b>	)	
<b>PERFORMANCE</b>	)	Customer No.: 28960

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The citations listed below, copies attached, may be material to the examination of the above-identified application, and are therefore submitted in compliance with the duty of disclosure defined in 37 C.F.R. §§ 1.56 and 1.97. The Examiner is requested to make these citations of official record in this application.

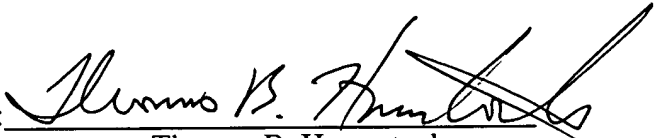
Applicants have become aware of the following printed publications which may be material to the examination of this application:

- U.S. Patent No. 5,940,478;
- U.S. Patent No. 6,556,582 B1;
- U.S. Patent No. 6,707,824 B1;
- U.S. Patent No. 6,728,484 B1;
- U.S. Patent No. 6,956,858 B2; and
- U.S. Patent No. 6,963,575 B1.

This Supplemental Information Disclosure Statement under 37 C.F.R. §§ 1.56 and 1.97 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that anyone or more of these citations constitutes prior art.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: 11-1-06

By:   
Thomas B. Haverstock  
Reg. No.: 32,571

Attorneys for Applicants

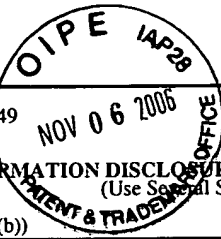
**CERTIFICATE OF MAILING (37 CFR § 1.3(a))**

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HAVERSTOCK & OWENS LLP

Date: 11-1-06

By: 



FORM PTO-1449  
(Modified)

U.S. Department of Commerce  
Patent and Trademark Office

Attorney Docket No.: AVARS-02200

Serial No.: 09/903,423

**INFORMATION DISCLOSURE STATEMENT BY APPLICANT**  
(Use Separate Sheets If Necessary)

Applicants: Michael A. Lloyd et al.

(37 CFR § 1.98(b))

Filing Date: July 10, 2001

Group Art Unit: 2143

**U.S. PATENT DOCUMENTS**

Examiner Initials		Serial / Patent Number	Issue Date	Applicant / Patentee	Class	Subclass	Filing Date
	AA	5,940,478	8/17/99	Vaudreuil et al.	379	88.18	5/31/96
	AB	6,556,582 B1	4/29/03	Redi	370	443	5/15/00
	AC	6,707,824 B1	3/16/04	Achilles et al.	370	412	5/19/99
	AD	6,728,484 B1	4/27/04	Ghani	398	42	9/7/99
	AE	6,956,858 B2	10/18/05	Hariguchi et al.	370	395.31	6/29/01
	AF	6,963,575 B1	11/8/05	Sistanizadeh et al.	370	404	2/27/01
	AG						
	AH						
	AI						
	AJ						

**FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS**

		Document Number	Publication Date	Country / Patent Office	Class	Subclass	Translation	
							Yes	No
	AK							
	AL							
	AM							
	AN							
	AO							

**OTHER DOCUMENTS (Including Author, Title, Date, Relevant Pages, Place of Publication)**

	AP	
	AQ	
	AR	
	AS	
	AT	
	AU	
	AV	
	AW	
	AX	
	AY	
	AZ	

Examiner:

Date Considered:

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.